



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: June 29, 2010

TO: Mayor and Councilmembers

FROM: City Attorney's Office
City Clerk's Office, Administrative Services Department

SUBJECT: Storefront Medical Marijuana Dispensary Ballot Measure

RECOMMENDATION: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Calling and Giving Notice of the Holding of a Special Municipal Election to be Held in the City on Tuesday, November 2, 2010, for the Submission of a Proposed Ordinance to the Voters to Amend the City Zoning Ordinance to Prohibit the Operation or Maintenance of Storefront Medical Marijuana Dispensaries Within the City of Santa Barbara;
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Requesting the Board of Supervisors of the County of Santa Barbara to Consolidate a Special Municipal Election to be Held on November 2, 2010, with the Statewide General Election to be Held on that Date Pursuant to Section 10403 of the Elections Code;
- C. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Directing the City Attorney to Prepare an Impartial Analysis of the City Measure to be Placed on the Ballot for the November 2, 2010, Special Municipal Election of the City of Santa Barbara; and
- D. Determine whether the City Council or any individual member(s) of City Council will file an argument regarding the measure and, if so, adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the Filing of a Written Argument Regarding a City Measure to be placed on the Ballot for the November 2, 2010, Special Municipal Election.

DISCUSSION:

At the Council meeting of June 15, 2010, in connection with the Council's consideration of an ordinance to amend the City's Zoning Ordinance (SBMC Title 28) to increase the applicable zoning and day-to-day operational restrictions applicable to storefront medical marijuana dispensaries, the Council decided to only move forward with the adoption of the Council ordinance provided a companion ordinance to prohibit such storefront dispensaries altogether was submitted to the City electorate for their

consideration at the statewide general election of November 2010. Thus, the attached four Council resolutions are for the purposes of properly calling a special City election in November 2010 where a proposed City of Santa Barbara ordinance to prohibit the use of real property within the City to operate or maintain a Storefront Medical Marijuana Dispensary will be considered for voter adoption.

As required by the City Charter and the California Elections Code, City staff is recommending that the City Council adopt the appropriate election resolutions as follows concerning the upcoming November 2010 General Election:

- Calling for the election;
- Consolidating the election with the General Election being conducted by the County of Santa Barbara;
- Directing the City Attorney to prepare an impartial analysis of the City's measure; and
- Setting priorities for determining whether the City Council or any individual member(s) of City Council will file an argument regarding the measure.

City Attorney's Impartial Analysis:

In accordance with the Elections Code, it is also recommended that the City Council direct the City Attorney to prepare an impartial analysis of the proposed ordinance. Under the State Elections Code, a copy of the City Attorney's impartial analysis will be included in the sample ballot materials provided to each City voter prior to the election. A copy of the proposed ordinance will also either be printed in the sample ballot materials or otherwise be made readily available to the public.

The first day the City Clerk's Office will receive the City Attorney's impartial analysis is July 21, 2010, and the last day will be July 30, 2010.

Written Ballot Arguments:

The City Council, or any member or members of the City Council, or any individual voter who is eligible to vote on the ordinance measure, or bona fide association of citizens, or any combination of voters and associations, may file a written argument for or against the adoption of the ordinance.

The first day the City Clerk's Office will receive typewritten arguments in favor of or against the ordinance is July 21, 2010, and the last day will be July 30, 2010.

The Elections Code provides that upon authorization by the City Council, an argument prepared and signed by the City Council or by one or more Councilmembers shall be given first priority for placement in the sample ballot election brochure by the City Elections Official.

Rebuttal Arguments:

The first day the City Clerk's Office will receive typewritten rebuttal arguments by the authors of direct arguments for and against the proposed ordinance is August 2, 2010, and the last day will be August 9, 2010.

Public Examination Period:

The public examination period of the ballot statement measure to prohibit the operation or maintenance of storefront medical marijuana dispensaries, City Attorney's impartial analysis, ballot measure arguments and rebuttal arguments filed with the City Clerk's Office is 10 days, commencing August 10, 2010, and concluding August 19, 2010.

Environmental Review:

Staff has determined that the ordinance amendment qualifies for an exemption from further environmental review under Section 15305 (minor alterations of land use limitations) of the California Environmental Quality (CEQA) Guidelines.

BUDGET/FINANCIAL INFORMATION:

Currently, there are no funds in the City Clerk's budget for the special municipal election. Staff will return to Council at a later date to appropriate the funds.

The proposed ballot measure will coincide with the County's General Election to be held on November 2, 2010. As a consolidated even-year election, County Elections Division staff roughly estimates that the cost for the City ballot measure would be between \$40,000 and \$50,000.

The County's final bill is expected to be based on the actual incurred costs in accordance with the written agreement between the City and the County concerning the appropriate methodology for calculating the cost of a consolidated even-year election.

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APPROVED BY: City Administrator's Office